



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**PRICE DANIEL
ATTORNEY GENERAL**

November 3, 1947

Hon. Wm. L. Kerr, President
Board of Regents
State Teachers Colleges of Texas
Midland, Texas

03629 in part

Opinion No. V-423

Re: Authority of the Board
of Regents of State
Teachers Colleges of
Texas to grant an ease-
ment for a State high-
way across the campus
of the North Texas State
Teachers College

Dear Sir:

We have your letter of October 20, 1947, wherein you request the opinion of this department as to the right and authority of the Board of Regents of the State Teachers Colleges of Texas to grant an easement across a part of the campus of the North Texas State Teachers College.

In our opinion, your Board has no authority to grant such easement without legislative authority; but with the approval of the Governor, it may grant consent to the opening of a public road across such campus. Any road so opened would be subject to being closed by your Board whenever it might deem such action necessary to protect the interest of the State.

Our opinion is based upon Title 49, Ch. 9, V. C. S., being Article 2644, et seq., the law under which the Board of Regents of the State Teachers Colleges was established. We find nothing in such law to authorize this Board to make conveyance of an interest in land. We furnish herewith a copy of our

opinion No. V-320, which reaches the same result in the case of the authority of the North Texas Agricultural College to sell land.

Authority to open a public road across the campus is found in Article 6715, V. C. S. We furnish you herewith a copy of the opinion of this Department No. 0-3629, which holds that under such statute the Texas Prison Board has the authority to grant an easement across prison lands to the Highway Department. In view of the express provision of the above statute that the roads opened may be closed by the authorities, we disagree with such opinion in so far as it holds that an easement may be granted. If the Highway Department is willing to proceed on the basis of Art. 6715, there is no reason why your Board cannot take the proper steps to open a road across the campus. If such Department requires an easement, you must secure legislative authority.

SUMMARY

The Board of Regents of the State Teachers Colleges may not grant an easement to the State Highway Department, but may permit the opening of the desired road under Article 6715, V. C. S.; Opinion No. 0-3629 overruled in part.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Ben H. Rice III*

Ben H. Rice, III
Assistant

BHR:bt
Encs.

APPROVED:

Fagan Dickson
FIRST ASSISTANT
ATTORNEY GENERAL